IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL ALLEN BLOOM,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59526

FILED

JUN 13 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY [signature]
DEPUTY CLERK

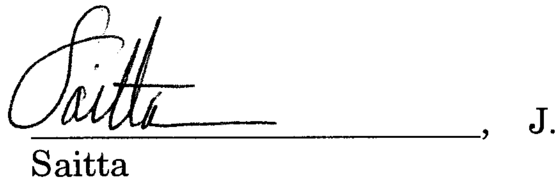
ORDER OF AFFIRMANCE

This is an appeal from a district court order revoking appellant Michael Allen Bloom's probation. Eighth Judicial District Court, Clark County; Joseph T. Bonaventure, Senior Judge.

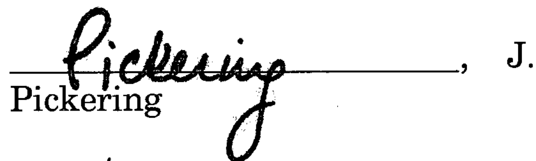
Bloom contends that the district court abused its discretion by revoking his probation for "technical" violations instead of criminal behavior and that this constituted cruel and/or unusual punishment. See U.S. Const. amend. VIII; Nev. Const. art. 1, § 6. The decision to revoke probation is within the broad discretion of the district court and will not be disturbed absent a clear showing of abuse. Lewis v. State, 90 Nev. 436, 438, 529 P.2d 796, 797 (1974). At Bloom's probation violation hearing, he admitted to refusing to submit to a drug test, failing to pay restitution, and failing to notify his probation officer that he changed his place of residence. Accordingly, we conclude that the district court did not abuse its discretion by revoking Bloom's probation and ordering that his sentence be executed, see NRS 176A.630(4); NAC 213.610(2), (6), (12); Lewis, 90 Nev. at 438, 529 P.2d at 797; see also Dail v. State, 96 Nev. 435, 440, 610 P.2d 1193, 1196 (1980) ("[C]onviction is not a precondition to probation revocation."). Because Bloom's sentence falls within the

parameters provided by the relevant statutes, see NRS 205.0835(4); NRS 176A.630(4), and is not so unreasonably disproportionate to the gravity of the offense as to shock the conscience, see Culverson v. State, 95 Nev. 433, 435, 596 P.2d 220, 221–22 (1979); see also Harmelin v. Michigan, 501 U.S. 957, 1000–01 (1991) (plurality opinion), we also conclude that the district court's decision did not constitute cruel and/or unusual punishment, see generally Jennings v. State, 89 Nev. 297, 300, 511 P.2d 1048, 1050 (1973) (requiring a convicted felon to obey the law as a condition of his probation is not cruel and unusual punishment). Therefore, we

ORDER the judgment of the district court AFFIRMED.



_______________, J.
Saitta



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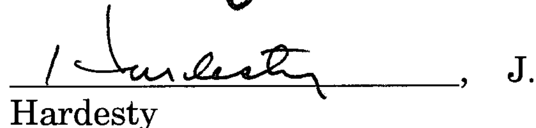

_______________, J.
Hardesty

cc: Chief Judge, Eighth Judicial District Court
Hon. Joseph T. Bonaventure, Senior Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk